

WILLIE PAUL VIGIL, JR.,	)	No. C 09-00704 JF (PR)
	)	
Petitioner,	)	ORDER OF DISMISSAL; GRANTING
	)	MOTION FOR LEAVE TO PROCEED
vs.	)	<i>IN FORMA PAUPERIS</i>
	)	
	)	
JAMES A. YATES, Warden,	)	
	)	
Respondent.	)	
	)	(Docket No. 6)

<sup>1</sup>Two previous habeas petitions, also challenging the same conviction, were dismissed as a successive petitions pursuant to 28 U.S.C. § 2244(b)(3)(A). See Vigil v. Yates, No. 07-2061 MJJ (PR) and Vigil v. Yates, No. 07-5288 MJJ (PR).

1 court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Petitioner has filed herein a  
2 copy of his January 7, 2009, application to the Ninth Circuit to file a successive petition  
3 under 28 U.S.C. § 2244(b)(3)(A), (see Docket No. 2), but Petitioner has not obtained  
4 authorization to do so. Accordingly, the instant petition is DISMISSED without prejudice  
5 to refiling if petitioner obtains the necessary order from the Ninth Circuit.

6 Petitioner's motion for leave to proceed in forma pauperis (Docket No. 6) is  
7 GRANTED.

8 This order terminates Docket No. 6.

9 The Clerk shall close the file.

10 IT IS SO ORDERED.

11 DATED: 6/24/09

  
JEREMY FOGEL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WILLIE PAUL VIGIL JR.,  
Petitioner,

Case Number: CV09-00704 JF

**CERTIFICATE OF SERVICE**

v.

JAMES A. YATES, Warden,  
Respondent.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/7/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Willie Paul Vigil K-90947  
Pleasant Valley State Prison  
P.O. Box 8501  
Facility A-4-135-U  
Coalinga, CA 93210

Dated: 7/7/09

Richard W. Wieking, Clerk